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18 Blockbuster Inc.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 NETFLIX, INC., a Delaware corporation,

22 Plaintiff,

23 vs.

24 BLOCKBUSTER INC., a Delaware
corporation, DOES 1-50,

25 Defendants.
26
27

28 AND RELATED COUNTER ACTION

CASE NO. C 06 2361 WHA (JCS)

Referred To The Hon. Joseph C.
Spero For Discovery Matters

**STIPULATION AND
[PROPOSED] ORDER RE
FURTHER PROCEEDINGS ON
PENDING DISCOVERY
MOTIONS**

1 Plaintiff and Counterdefendant, Netflix, Inc., and Defendant and
2 Counterclaimant, Blockbuster Inc. (collectively, "the Parties"), jointly submit this
3 stipulation pursuant to the Court's Order of November 15, 2006, with respect to
4 further proceedings on Blockbuster's Motion to Compel Further Responses to Its
5 First Set of Requests for Production, Netflix's Motion to Compel Further
6 Responses to its First Set of Requests for Production, and Netflix's Motion for a
7 Protective Order Re Non-Party Subpoenas, all of which were previously scheduled
8 for hearing on December 8, 2006 (collectively, the "Pending Discovery Motions").

9 Unless the parties have resolved all outstanding issues on the Pending
10 Discovery Motions before December 8, 2006, the respective lead trial counsel for
11 the Parties shall hold a further in-person conference on those motions on December
12 8, 2006, beginning at 9:00 a.m. in the Honorable Joseph C. Spero's courtroom.

13 The Parties shall file a stipulation with the Court detailing the orders that they
14 agree the Court should enter on the Pending Discovery Motions, along with a
15 description of whatever issues remain for decision by the court on those motions,
16 no later than Thursday, December 14, 2006.

1 The Parties respectfully request that the Court schedule a hearing on any
2 issues that remain, as set forth in that stipulation, on Friday, January 12, 2007, at
3 9:00 a.m.

4
5 Respectfully submitted.

6
7 DATED: November 20, 2006 KEKER & VAN NEST, LLP

8
9 By /s/
10 Ashok Ramani
11 Attorneys for Plaintiff and Counterdefendant,
Netflix, Inc.

12 DATED: November 20, 2006 ALSCHULER GROSSMAN STEIN & KAHAN
13 LLP

14 By William J. O'Brien / by [signature]
15 William J. O'Brien
16 Attorneys for Defendant and Counterclaimant,
17 Blockbuster Inc.

18
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20 Dated: November 21, 2006

